



Cycling Rights and Road Infrastructure Policy in Indonesia

Eva Dwi Febriyanti^{1*}, Rifqi Ridlo Phahlevy², Emy Rosnawati³, Farhod Ahrorov⁴

*Corresponding author email: evadwifeb@gmail.com

^{1,2,3}Department of Law, University of Muhammadiyah Sidoarjo, Indonesia

⁴Samarkand branch of Tashkent State University of Economics, Samarkand, Uzbekistan

Abstract. This research examines the protection of cyclists' rights within the framework of road infrastructure development in Indonesia, addressing the obligation of the government to ensure the safety and rights of cyclists in urban and rural connectivity. Employing a statutory approach, the study scrutinizes laws and regulations pertaining to driving safety and the provision of special bicycle lanes, alongside the human rights perspective on cyclists' rights. The findings reveal a significant shortfall in provincial regulations specifically governing cycling policies, with only 6 out of 37 provinces having established relevant regulations. This gap highlights a disparity in the protection and fulfillment of cyclists' rights across the country, indicating that despite the presence of some infrastructure, the lack of comprehensive policy support fails to secure justice and human rights for cyclists adequately. The study underscores the urgent need for a coherent policy framework that explicitly addresses cyclists' rights and safety on the road.

Keywords - Policy, Act, Cyclists

1 Introduction

Road infrastructure development is an important means to support community mobility in carrying out daily activities and for the rotation of the economy. The development of the highway network as a national spatial structure has a very strong relationship to support the connectivity of urban and rural communities.

This country has many large metropolitan cities that are very crowded and even consist of a variety of different populations. Of course, it often raises various problems related to transportation. Therefore, the government as a service provider for the entire community certainly has an obligation to provide a solution to these problems. From various kinds of There are many problems, one of which is very often encountered, namely problems arising from the transportation sector. Throughout the use of transportation, there are often some serious problems related to security and safety for transportation users, both because of the high congestion that causes the high number of accidents caused by the increasing number of road users who crowd the road, both motorized road users and non-motorized road users. in this case it is not directly proportional to road construction, especially road facilities as a complement to the road so that it is very minimal to safety and security for road users. [1][2]

There are many problems, one of which is very often encountered, namely problems arising from the transportation sector. Throughout the use of transportation, there are often some serious problems related to security and safety for transportation users, both because of the high congestion that causes the high number of accidents caused by the increasing number of road users who crowd the road, both motorized road users and non-motorized road users. In this case it is not directly proportional to road construction, especially road facilities as a complement to the road so that it is very minimal to safety and security for road users. [1][2]

But the rights of cyclists are often still ignored by other road users. That is, by motorists and automobile drivers. First, even though there are special lanes and special stops at traffic lights, it is still not possible to provide a sense of security for cyclists on the road. The government has a strategic role to promote welfare in supporting national development. In its realization, there are still many things that have not received attention from the community and even the government itself, including cycling safety. An example of the obstacles that arise is the provision of infrastructure, where in all urban areas the availability of bicycle lanes is not evenly distributed. All road users certainly hope that their traffic journey is safe and secure, which means that they want to arrive at their destination safe and healthy, as well as not being hampered by traffic density which ultimately causes congestion and is not hampered by situations of road function inadequacy. Therefore, a problem formulation can be drawn, namely whether the road infrastructure development policy in Indonesia has guaranteed the rights of cyclists?" [3]

This research aims to find out local regulations regarding cyclists' rights that guarantee cyclists' rights, and this research is also expected to be a reference for future research. The results of previous research are very important in supporting the completion of this research. This previous research in this case provides a reference and comparison for compiling this research. Previous researchers by Sulisty Satriawan, Hidayatullah with the research title Efforts to Encourage Policy Provision of Bicycle Lane Facilities for Cyclist Safety in Kudus Regency. Second by Sang Pandu Nayenggita Pulangasih et al. with the title Comparison with this research is that this research is more specific in discussing cycling rights development policies. And linked to the reference of the highest law regulation to the regional regulation. [4][5].

In cases related to access to this very minimal cycling lane. That based on the description above, it is necessary to conduct a study related to the rights of cyclists which aims to analyze the rights of cyclists in road infrastructure development in order to find out which regions in Indonesia already have and implement regulations regarding cyclists. Therefore, this research takes the focus of the discussion by raising the title "**Protection of Cyclists' Rights in Road Infrastructure Development Policy**"

2 Methods

The method used in this research is to use a normative method with a statutory approach to determine and determine the rule of law as a form of government authority in protecting cyclists' rights. The data collection technique used in this research is obtained by reading, quoting and analyzing data obtained from regulations from each region and studying them according to statutory regulations related to these problems.

The legal materials in this study, namely primary legal materials, namely from legislation in this

study using provincial regulations in Indonesia that regulate cyclists (Provincial Regulations governing cycling facilities), which are the main submitters of the main focus of research based on factual observations and while secondary legal materials from this study are journal articles and previous research related to this research which are then processed and analyzed.

3 Results And Discussion

3.1 Pesepada's Rights in Human Rights Perspective

Every human being has rights that cannot be interfered with by other parties. Of course, the state also has an important role in protecting the human rights of its citizens, where these obligations are outlined in a policy which is of course guided by the State Constitution. including cyclists' rights. Often the rights of cyclists are taken away by other parties, so that cyclists feel less comfortable and safe when cycling on the road, which should also be explained in the 1945 Constitution in article 28i paragraph (2) which states that "Everyone is free from discriminatory treatment on any basis and is entitled to protection against discriminatory treatment." Therefore, cyclists also have the right to feel safe and comfortable when riding. [6][7] [8]

The government in this case has an important role to protect the rights of each of its citizens, especially the rights of cyclists, which are supported by the main obligations of the state in human rights, namely: [9]

1.Obligation to Fulfill in relation to the fulfillment of human rights, that the state in ensuring the success of fulfilling the rights of cyclists is the existence of regulations regarding the provision of road equipment facilities in the form of special cycling lanes.

2.Obligation to protect, where the state is obliged to protect the rights of cyclists so that they are not violated by other road users.

In the human rights perspective on cyclists' rights, the state is obliged to ensure and fulfill the rights of cyclists by providing cycling facilities so that they are not disturbed by other parties. However, in its implementation, it turns out that the government has not fully carried out its duties, this is related to the uneven distribution in all regions regarding specific regulations regarding cyclists' rights. So that causes the rights of cyclists have not been fulfilled. So it can be concluded that human rights still cannot provide full protection of cyclists' rights [10][11].

3.2 Provision of special cycling lanes based on road infrastructure development policies

Basically, the government has provided a basic rule related to the provision of this special cycling lane as explained in Law Number 22 of 2009 concerning Road Traffic and Transportation. In this regulation, the government explains that the government's obligation to protect the rights of cyclists by providing special facilities for cyclists as explained in article 25 paragraph 1 letter g which can be understood that all roads used as public traffic are required to have supporting facilities for cyclists, pedestrians and people with disabilities. Furthermore, Article 45 paragraph 1 explains that these supporting facilities are in the form of special bicycle lanes. And there is also Article 62 which we can understand that cyclists must be given convenience in traffic and cyclists have the right to these safety support facilities. Therefore, in organizing the provision of special cycling lanes, the government has an important role to pay attention to this. [12]

As we know in the rules of Law Number 22 of 2009 concerning Road Traffic

As we know in the rules of Law Number 22 of 2009 concerning Road Traffic and Transportation regarding the provision of supporting facilities for cyclists, but not all provinces in Indonesia have implemented these rules. There are still many regions that have not implemented the policy. There are only a few provinces that have implemented the regulation. Of the 37 provinces spread across Indonesia, there are only 6 provinces that already have regulations regarding the provision of cycling lanes, even though there are no regulations that specifically regulate cyclists." [13][14]

3.3 Implementation of the Protection of Cyclists' Rights in the Region

As a basic element, of course the government already has a basic policy that is the basis for the continuation of the provision of road facilities, namely special cycling lanes. Regarding the provision of special cycling lanes, the government should act in implementing the protection of cyclists' rights in the regions. However, in reality, there are still many regions that have not made arrangements in the form of issuing local regulations specifically on the provision of special cycling lanes." [15]

Based on the provincial data above that already have local regulations regarding cycling, the application of the characteristics of the obligation to fulfill and obligation to protect. It can be seen from the articles governing the provision of road facilities, namely as an application of the obligation to fulfill principle and articles governing the provision of special cycling lanes as an application of the obligation to protect principle. The application of these two principles can be seen from the articles of regulations that have regulated cyclists, namely:

Table 1. Application of obligation to fulfill and obligation to protect

No.	Provincial Regulation	Obligation To Fulfil	Obligation To Protect
1	Jambi Province Regional Regulation No. 12 of 2021	Article 47 on the procurement of road equipment facilities a. Road signs; Road Markings; APILL; d. facilities for pedestrians, cyclists and people with disabilities; street lighting; side safety fence; g. directional stakes, Km and Hm stakes, Rumija stakes; and shade trees	Article 52 regarding the provision of facilities for pedestrians cyclists and persons with disabilities cannot be contested by other parties.
2	Regional Regulation of North Kalimantan Province No. 8 Year 2021	Article 12 on the provision of road equipment	Article 12 on the provision of road equipment
3	DKI Jakarta Provincial Regulation No. 8 Year 2018	Article 24 on the provision of cycling facilities	Article 26 on technical provisions for cycling facilities for infrastructure development
4	Bali Provincial Regulation No. 4 Year 2016	Article 6 on the provision of road equipment facilities	Article 12 on securing the use of road equipment

Given the urgency of protecting the rights of cyclists, local governments should have a role to form local regulations with the aim of implementing Law No.22/2009 on Road Traffic and Transportation. Only a few regions in Indonesia regulate cyclists. As shown in *Figure 1.1* of the 37 provinces in Indonesia, only 6 provinces regulate cyclists and there are only 2 provinces that specifically regulate cyclists based on *peraturan.bpk.go.id*.

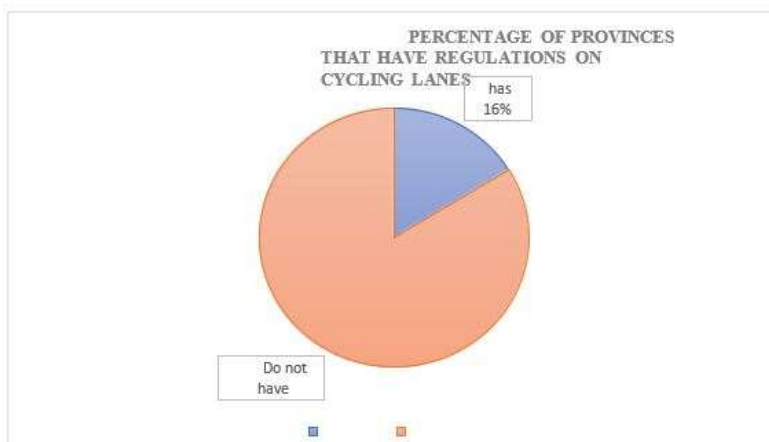


Figure 1.Percentage of provinces that have regulations on cycling lanes

This was then followed up by several local governments by issuing regulations in their respective regions by several regions in Indonesia that have issued regulations related to the provision of special road facilities for cyclists. It can be seen that it can be described briefly, namely that of the 37 provinces spread throughout Indonesia, most of them do not even have their own regional regulations that specifically contain provisions for the provision of road equipment in the form of special cycling lanes. Based on *regulations.bpk.go.id*, the following regions have regulations regarding cyclists.

1. Jambi Province has regulated pesepda but there are no specific rules governing cyclists but it has been regulated in general in Jambi Province Regional Regulation No. 12 of 2021 concerning the implementation of provincial roads stated in article 47 paragraph 2 which can be understood that the provision of road equipment, namely cycling facilities in order to support security, safety, order, and smooth traffic, and article 52 that the procurement of construction facilities for pedestrians must meet standards and cannot be converted.

2. North Kalimantan Province already regulates pesepda, this is explained in Regional Regulation No. 8 of 2018 concerning the Implementation of Road Traffic and Transportation which is explained in article 9 paragraph 2, it is understood that every road must be equipped with road equipment, one of which is facilities for bicycles and article 13 that the existence of specially provided bicycle lanes that are used together with pedestrians.

3. DKI Jakarta Province, regulations regarding cyclists in this province are regulated in Governor Regulation No. 67 of 2019 concerning the Implementation of Transit-Oriented Areas. Which is explained through article 24 b which is understood that in the planning and development of transit-oriented areas, it must meet several technical provisions for space utilization, one of which is cycling facilities by meeting the technical provisions as described in article 26 paragraph 1.

4. Bali Province, the regulation of cyclists in Bali Province is regulated in Bali Province Regional Regulation No. 4 of 2016 concerning the Implementation of Road Traffic and Transportation in article 11 paragraph 1 which can be understood that all motorists are prohibited from parking at cyclists' crossings. However, it does not explain specifically about special cycling lanes.

5. West Nusa Tenggara Province, the rules regarding cyclists are regulated in the 2019 NTB Governor Regulation concerning NTB Cycling, which based on the overall content of this regulation contains the aim of protecting the security and safety of cyclists. This regulation specifically discusses cyclists.

6. East Nusa Tenggara Province. Regulations regarding cyclists have not been specifically discussed in this province, but there is a regulation that discusses cyclists, namely in NTT Regional Regulation No. 8 of 2018 on the implementation of traffic impact analysis for provincial roads in East Nusa Tenggara, in article 12 paragraph 2 which discusses the impact of traffic and road transportation. From this article, it can be understood that the condition that least often contains historical data on traffic volumes is cyclists.

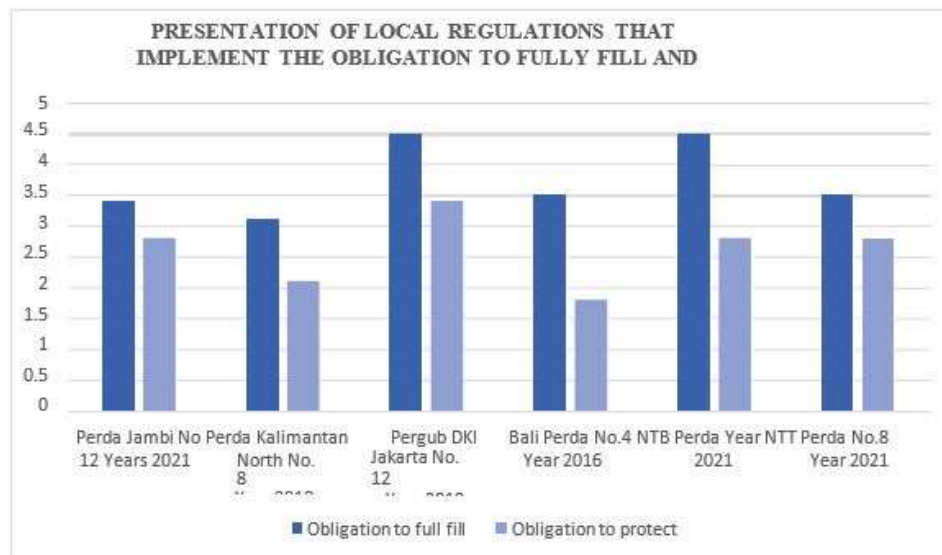


Figure 2. Percentage of local regulations that implement the obligation to fulfill and obligation to protect

Figure 2 shows the percentage of local regulations that implement the obligation to fulfill and obligation to protect. Figure 2 explains that there are only a few provincial regulations that regulate cycling. There are also many provinces that have not established regulations regarding cyclists either in general or specifically. However, there are several regional

regulations from the province that can be said to contain the rights of cyclists in accordance with the principles of obligation to fulfill and obligation to protect in accordance with the legislation related to the provision of cycling facilities.

4 Conclusions

The research underscores a notable deficiency in the protection of cyclists' rights within Indonesia's road infrastructure development. Despite the recognition of cycling in statutory regulations and the partial provision of cycling lanes, the analysis reveals that only a limited number of provinces have specific regulations aimed at safeguarding cyclists. This gap in policy provision across the majority of provinces does not fully guarantee cyclists' rights, reflecting a broader issue of inconsistency and lack of comprehensive policy implementation at the national level. The findings call for immediate governmental action to establish uniform regulations across all provinces to ensure the safety and rights of cyclists are uniformly protected, promoting cycling as a viable and safe mode of transportation. Further research should explore the impact of these policies on cycling safety and participation, to develop more inclusive and effective road infrastructure planning.

References

- [1] P. Janitri and P. G. A. Sumerta Yasa, (2015) "Legal Protection of Cyclists' Safety on the Road: Perspective of Road Transportation Traffic Law," *Kertha Semaya J. Huk Science*. Udayana
- [2] Satriwan, (2021) "Efforts to Encourage Policy on the Provision of Bicycle Lane Facilities for the Safety of Cyclists in Kudus Regency." *Voice of Justice*. Kudus
- [3] Rights, L. No, T. Road, A. Pratama, and A. Nurcahyono. (2009) "Pedestrian Rights in the Perspective of Law and Human Rights, attributed to Law No. 39 Year 1999 on Human Rights and Law No. 39 Year 1999 on Pedestrian Rights". 39 Year 1999 on Human Rights and Law No. 22 Year 2009 on Traffic and Transportation". 22 Year 2009 on Road Traffic and Transportation Pedestrian Rights in Perspective of Law a," no. 39
- [4] Wismadi et al. (2022) "Bicycle for Transportation or Not? A Survey of Mid-Size City Policies for Better Air," *War. Penelit. Transportation*.
- [5] P. A. W. Kusuma, I. N. G. Sugiarta, and L. P. Suryani. (2021) "The Authority of Denpasar City Government in Implementing Special Bicycle Lanes," *J. Interpret. Huk*.
- [6] Javiera, U. F. Andi, and Y. Purnomo (2021) "Bicycle Community Center in Pontianak city," *Architect Mosaic*. Pontianak
- [7] Nurrahmah et al., (2021) "Family Cycling Trends in the New Normal Era," *Az-Zahra J. Gend. Fam. Stud.*, vol. 1, no. 2, pp. 106-118, doi: 10.15575/azzahra.v1i2.11671.
- [8] Sulawesi, "Regional Regulation of Sulawesi Province number : Republic of Indonesia Year lgSS Number," 2003.
- [9] Marditama et al., (2022) "Determination of the level of service of bicycle lanes in the dago lane of the city of Bandung," vol. 22, no. 3, pp. 181-190,
- [10] Artiningsih, "Environmentally Sound Transportation," *J. Tata Loka*, vol. 13, no. 01, pp. 27-41, 2011, [Online] Available: UNDIP Planology Publishing Bureau
- [11] F. Umar et al., "Planning of Special Bicycle Path to Tugulufa Beach Tourism Area, Tidore Islands City".
- [12] A. R. A. Y. A. S. Etu, C. Ibitung, B. Ekasi, and J. A. W. A. B. Arat, "PLANNING SPECIAL BIKE ROUTES IN THE SOLO AREA," 2009.
- [13] Sekar Sari and T. Murtejo, "Analysis of Pedestrian Facilities and Bicycle Paths as Public

- Transportation Mode Integration Facilities in South Tangerang City (Case Study: Rawa Buntu Station)," Semin. National. Engineering, Infrastructure and Ind. Constr. Services, p. 2021, 2021.
- [14] Reynalda Wangge, E. Tambunan, and A. Sri Mulyani, "Analysis of Factors Affecting the Desire of Cyclists to Use Bicycle Lanes on Jalan Pemuda, East Jakarta," J. CENTECH, vol. 2, no. 2, pp. 30-41, 2020.
- [15] Syatauw, E. J. Fajarsari, and F. Apriyadi, "Designing a Special Bicycle Lane on Jalan Ahhmad Yani Surabaya as a Form of Non-Motorized Vehicle Revitalization," JMTS J. Mitra Tek. Civil, vol. 4, no. 1, p. 13, 2021.

Open Access This chapter is licensed under the terms of the Creative Commons Attribution-NonCommercial 4.0 International License (<http://creativecommons.org/licenses/by-nc/4.0/>), which permits any noncommercial use, sharing, adaptation, distribution and reproduction in any medium or format, as long as you give appropriate credit to the original author(s) and the source, provide a link to the Creative Commons license and indicate if changes were made.

The images or other third party material in this chapter are included in the chapter's Creative Commons license, unless indicated otherwise in a credit line to the material. If material is not included in the chapter's Creative Commons license and your intended use is not permitted by statutory regulation or exceeds the permitted use, you will need to obtain permission directly from the copyright holder.

